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July 16, 2003

MPWMD

Zan Henson, Chair and
Members of the Board of Directors
Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, CA 93942-0085

Re: Community Hospital of the Monterey Peninsula – Special
Circumstances Permit

Dear Chair Henson and Members of the Board:

Community Hospital of the Monterey Peninsula (CHOMP) supports the Staff Recommendation for a “Special Circumstances” Permit establishing an entitlement of 119.28 AF of water use for the CHOMP Main Campus, and in particular commends staff for working with CHOMP to devise a practical approach to CHOMP’s water issues for the Pavilions Projects and indeed water use at the Hospital in general.

There is, however, one recommended condition (Condition #9), which CHOMP cannot accept. The basic structure of the Special Circumstances Permit is that CHOMP is to remain within its 119.28 AF entitlement. By this approach, the District recognizes CHOMP’s unique role in this community and avoids any need to independently audit CHOMP functions as they relate to water use (which the District admits it is ill-equipped to do). Simply stated, CHOMP is allotted a “budget” to remain within, by whatever means are available to it, and the operation of the Hospital is not otherwise a concern of the District. The issue is water use, after all, and the District has no authority to dictate to CHOMP how to run the Hospital.

Yet, proposed Condition No. 9 states that “CHOMP shall only initiate water saving retrofits that do not have cross-media environmental impacts (e.g., going from silver to plastic-ware for food service).” Putting aside that we

are not aware of what "cross-media environmental impacts" are (we are not familiar with that term, and it is not defined), the example given denotes a direct intervention and intrusion by the District in the operation of our Hospital which is unrelated to water use and not authorized.

CHOMP regularly makes a myriad of decisions on how to best operate the Hospital. While CHOMP strives to be environmentally conscious and responsible (and we believe that CHOMP's programs demonstrate that it is), water use is not a major factor in most of the decisions that we make. Instead, quality of patient care and operational capabilities and efficiencies are the driving forces behind our decisions. Some of our decisions may have water saving consequences, while many others do not. We simply cannot have the District second-guessing the decisions we make that may have water saving consequences, based on unspecified "cross-media environmental impacts."

For example, the Hospital today uses plastic disposable emesis basins, as well as a plethora of other disposable sterile items used in patient care and treatment, surgical operations, and other medical procedures. Is the District to audit these Hospital practices to determine if they have "cross-media environmental impacts?" How much additional water would be required to switch to a re-usable, more expensive, stainless steel emesis basin? Is every operational decision that results in a change to a clinically superior, but disposable, product subject to review under this proposed deed restriction? CHOMP also has a comprehensive recycling program. How does the District make the value judgment that saving water (a renewable resource) is less important than saving plastic (also a renewable resource under recycling programs)?

Clearly, the answer is that the District has no authority to make such a value judgment, as its regulatory charge and authority is limited to providing and conserving water, not regulating waste recycling programs or landfill space. On a different level, however, the recommended condition represents an extreme irony because it defeats the very purpose and reason for establishing a water "budget" for CHOMP in the first place. That purpose and reason is to allow CHOMP to operate within a defined water use limit without intervention by the District, because the District admits it does not have the capability to predict or audit the discrete components of CHOMP's water use (i.e., water use factors and credits). By imposing the condition, however, the District would simply re-inject itself into detailed examinations and regulation of CHOMP's operations, in a way that has never existed before.

In summary, Community Hospital fully endorses the "Special Circumstances" permit as proposed with the exception of Condition #9, which is wholly unacceptable and should be rejected by the Board.

Sincerely,

COMMUNITY HOSPITAL OF THE
MONTEREY PENINSULA



Steven J. Packer, M.D.
President/CEO

cc: Fran Farina, General Manager
Thomas H. Jamison, Esq.